

## REMARKS

### A. INTERVIEW

Applicants would like to thank Examiner Perreira for the courtesies extended to Christina Jordan during the Telephonic Interview conducted on April 9, 2009 in the above-identified case.

Pursuant to MPEP section 713.04, the undersigned and Applicants agree with the comments provided by the Examiner concerning this substance of the interview. As discussed during the interview, the Examiner indicated that the Declaration of Mr. Nakajima submitted with the Amendment dated March 3, 2009 was sufficient to overcome the prior art rejections. Additionally, the Examiner suggested amending claim 21 to more particularly define that which Applicants believe to be the invention. In light of the discussion during the Interview, some of the claims have been further amended beyond the Amendment submitted on March 3, 2009. A more thorough discussion is provided below.

### B. REQUEST FOR RECONSIDERATION

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action dated December 12, 2008, but remains of the opinion that patentable subject matter

is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

C. STATUS OF THE CLAIMS

Claims 21-46 are pending in this application.

Claim 21 has been amended and claim 46 had been withdrawn from consideration.

Claim 21 has been amended to recite preferred phospholipids. Support for this amendment can be found, for example, on page 13, lines 7-20.

Claim 21 has also been amended to recite preferred iodine compounds. Support for this amendment can be found, for example, on page 8, lines 8-22.

No new matter has been added herein.

D. Prior Art Rejection

The Examiner had made the following two rejections:

(1) Claims 21-43 had been rejected as being unpatentable over a combination of Otake or Castor in view of Sachse and further in view of Mackaness; and

(2) Claims 21-42, 44 and 45 had been rejected as being unpatentable over a combination of Otake or Castor in view of Sachse and further in view of Klaveness.

As discussed above, during the telephone interview, the Examiner indicated that the Declaration of Mr. Nakajima submitted on March 3, 2009 overcame the prior art rejections.

**E. ALLOWABLE SUBJECT MATTER**

As discussed above, during the telephonic interview, the Examiner took the position that there was a commensurate in scope issue, and indicated that amending claim 21 to recite particular embodiments for phospholipids and iodine compounds would make the claims allowable. Applicants have followed the Examiner's suggestion and claim 21 has been amended herein in accordance with the Examiner's suggestion. By amending the claims in accordance with the Examiner's suggestion, Applicants submit that there is no longer a commensurate in scope issue.

F. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C. Lucas  
Donald C. Lucas, Reg. #31,275  
Attorney for Applicants  
475 Park Avenue South  
New York, NY 10016  
Tel. # 212-661-8000

DCL/cmj/mr